

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL SCOTT,

Plaintiff,

v.

DR. LAVOIE, C. BAIER, C. FRANCOIS,
M. TALLIER, CAPTAIN SWIEKATOWSKI,
S. CUMMINGS, H. UTTER, J. PERTTU,
R. MATUSHAK, E. DAVIDSON AND
C. O'DONNELL,

Defendants.

ORDER

20-cv-422-bbc
App. No. 20-1962

On June 2, 2020, I entered an order denying plaintiff Michael Scott leave to proceed in forma pauperis under 28 U.S.C. 1915(g) and dismissing this case without prejudice. Judgment was entered on that same day. Dkts. ##6 and 7. Now plaintiff Michael Scott has filed a motion for leave to proceed in forma pauperis on appeal, which I construe to include a notice of appeal. Dkt. # 10.

Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. Under 28 U.S.C. § 1915, a district court may deny a request for leave to proceed in forma pauperis for one or more of the following reasons: the litigant has not established indigence, the appeal is not taken in good faith, or the litigant is a prisoner and has three strikes under 28 U.S.C. § 1915(g) and has not shown that he is in imminent danger. 28 U.S.C. § 1915(a)(1),(3) and (g); Sperow v. Melvin, 153 F.3d 780,

781 (7th Cir. 1998). In this instance, I will deny plaintiff's request because he has three strikes under § 1915(g) and he has not shown that he is in imminent danger.

In addition, plaintiff's appeal is not taken in good faith. "Good faith" means that "a reasonable person could suppose that the appeal has some merit." Walker v. O'Brien, 216 F.3d 626, 632 (7th Cir. 2000). No reasonable person could conclude that plaintiff's claims have merit. Therefore, although I do not conclude that plaintiff is motivated by any ill will, I must certify that the appeal is not taken in good faith.

ORDER

IT IS ORDERED that

1. Plaintiff Michael Scott's request for leave to proceed in forma pauperis on appeal, dkt. #10, is DENIED because plaintiff has struck out under 28 U.S.C. § 1915(g), and his appeal is not taken in good faith.

2. The clerk of court is requested to insure that plaintiff's obligation to pay the \$505 is reflected in this court's financial records.

Entered this 9th day of June, 2020.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge